

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

KODY DELANEY HASTINGS, )  
ID # 1333980, )  
Plaintiff, )  
vs. ) No. 3:06-CV-1422-P  
 ) ECF  
CITY OF DALLAS POLICE )  
DEPARTMENT, et al., )  
Defendants. )

ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

On May 24, 2007, the assigned Magistrate Judge issued Findings, Conclusions, and Recommendation in which she recommended that the instant action filed under 42 U.S.C. § 1983 be summarily dismissed because plaintiff alleged no official policy or custom on the part of any defendant that has violated his constitutional rights and because no filing shows such a policy or custom. On June 6, 2007, the Court received objections to the recommendation in which plaintiff objects that the Magistrate Judge does not address his claims for relief under Texas law.

Plaintiff has asserted no objection to the dismissal of this action to the extent it arises under 42 U.S.C. § 1983. After reviewing the Findings, Conclusions, and Recommendation of the United States Magistrate Judge for plain error as it relates to plaintiff's § 1983 claims, the Court determines that the Findings and Conclusions of the Magistrate Judge are correct to that extent and they are accepted as the Findings and Conclusions of the Court.

To the extent plaintiff raises state law claims in the instant action, 28 U.S.C. § 1337 permits the Court to exercise supplemental jurisdiction over such claims. Whether to exercise such jurisdiction after dismissing the underlying federal claims is a matter left to the sound discretion of the Court. *See United Mine Workers of Am. v. Gibbs*, 383 U.S. 715, 726 (1966); *Heaton v. Monogram*

*Credit Card Bank*, 231 F.3d 994, 997 (5th Cir. 2000). When the Court dismisses the federal claims at a preliminary stage of litigation, judicial economy argues against the exercise of pendent or supplemental jurisdiction over state claims. *See LaPorte Constr. Co. v. Bayshore Nat'l Bank*, 805 F.2d 1254, 1257 (5th Cir. 1986). In this instance, the Court has accepted the findings and recommendation regarding the dismissal of plaintiff's federal claims. It thus declines to exercise pendent or supplemental jurisdiction over plaintiff's state claims. Such state claims are dismissed without prejudice to plaintiff pursuing them in state court. *See Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988).

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and the filed objections, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court as modified herein.

**SO ORDERED.**

SIGNED this 25<sup>th</sup> day of June, 2007.



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JORGE A. SOLIS  
UNITED STATES DISTRICT JUDGE